

## **Categorical Exclusion: Mountain's Edge Regional Park/Trail Project**

### **A. Background**

DOI-BLM-NV-S010-2014-0054-CX

On April 24, 2014, NV Energy applied for a right-of-way for the installation of approximately 900 feet of 15kV underground distribution line consisting of conduits and cable, one underground pullbox, one underground handhole and two pad-mounted transformers and a short-term right-of-way for a temporary construction area for the construction of said electrical facilities.. The distribution line will service Mountains edge Regional Park/Trail project and future developments.

#### **BLM Office:**

Bureau of Land Management  
Las Vegas Field Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130

LLNVS01000

#### **Lease/Serial/Case File No.:**

N- 92916 & N-92916-01

#### **Proposed Action Title/Type:**

This right-of-way will allow NV energy to install underground plastic conduits and 15kVA cables, 2 pad-mounted transformers and other related appurtenances to provide power for Clark County's Mountains edge Regional Park/Trail project and future developments.

**Location of Proposed Action:** Located in the south portion of the Las Vegas valley within Mountain's Edge.

#### **LEGAL DESCRIPTION:**

M.D.M , Nevada, T. 22 S., R. 60 E., sec. 28, N½ NW¼SE¼.

**Description of Proposed Action:** The project will consist of underground plastic conduits and 15kV cables, 2 pad-mounted transformers and other related appurtenance to provide power for Clark County's Mountains Edge Regional Park/Trail project and future developments. Construction is expected to take about 3 weeks to complete. Major construction activities will include: digging a trench, installing plastic conduit and cable and vaults in the trench, pour concrete pads, install transformers, and backfilling the trench to existing grade.

This is a CX per 516 DM 11.9 E. Realty (12) "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way." This project is within other developed ROW's.

## **B. Land Use Plan Conformance**

### **Land Use Plan Name:**

Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), and the Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

### **Date Approved/Amended:**

RMP dated October 5, 1998.

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

**The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :**

Rights-of-way Management. Objective: RW-1. "Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities."

Management Direction. Objective: RW-1-h. "all public land within the planning area, excepted as stated in RW1-c through 1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal land Policy Management Act."

## **C. Compliance with NEPA:**

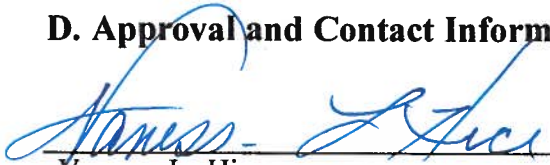
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E. Realty (12) "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way." This project is within other developed ROW's.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

**D. Approval and Contact Information**



Vanessa L. Hice  
Assistant Field Manager  
Division of Lands

4/17/11  
Date

**Contact Person**

Vivian Browning, Realty Specialist  
Las Vegas Field Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130  
Phone: (702) 515-5000

Exhibit A  
Stipulations for N-92916 & N-92916-01

---

**1.0 General Stipulations**

- 1.1. The right-of-way (ROW) is issued subject to all valid existing rights.
- 1.2. No signs of advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 1.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 1.4. The holder shall ensure that the road has a proper drainage system and should include the best combination of various design elements, such as ditches, culverts, drainage dips, crowns, low-water crossings, subsurface drains and bridges, per Clark County standards.
- 1.5. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 1.6. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 1.7. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 1.8. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying this ROW, encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- 1.9. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;  
ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.  
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

## **2.0 Air Quality**

- 2.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

- 2.2. Ensure a dust control permit is obtained through Department of Air Quality (DAQ) for all soil disturbing activity of .25 acres or greater, in the aggregate, and permit stipulations are in compliance for the duration of the activity.
- 2.3. Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.
- 2.4. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

## **3.0 Cultural**

- 3.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. BLM Archeologist must be contacted within 48 hours and work must cease within 100 feet of cultural resources. Holder

shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

#### **4.0 Hazardous Material/Pesticides/Liability**

- 4.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 4.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 4.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 4.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this ROW.
- 4.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the ROW), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is

caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 4.6. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can be removed from the ROW.

## **5.0 Survey Monuments**

- 5.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

## **6.0 Vegetation/Noxious Weeds/Land surface/Soil/Water/Riparian/Woodland/Forestry**

- 6.1. Woodland /Forestry: The proposed project is in a disturbed area. No new impacts to cactus and yucca or other forestry products are expected. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years' experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.
- 6.2. The action is in an already disturbed area and no new disturbances are expected to occur. Continue to follow existing mitigation measures and stipulations for weed prevention and control as established for the adjacent lease. If no measures exist, then follow the LVFO noxious weed compliance requirements as shown below. Coordinate weed management activities with the District Weed Management Specialist. To avoid spreading noxious and/or invasive weeds, project activities shall include the following stipulations:

1. The project proponent shall avoid or minimize all types of travel through weed-infested areas. If a problem is identified and avoidance or removal is not possible, the project proponent shall set up inspection and equipment cleaning sites to prevent the spread of weeds.

2. The project proponent shall limit ground disturbance to the absolute minimum necessary to safely construct and operate the proposed project. The applicant will avoid creating soil conditions that promote weed germination and establishment.

3. Project related equipment (i.e. undercarriages and wheel wells) will be cleaned of all mud, dirt and plant parts before each tour. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product and dispose of in a dumpster. If you have questions, consult with the LVFO Noxious Weed Coordinator.

6.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.

6.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the right of way. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

6.5. Soil/Water/Riparian/Floodplains: Applicant must follow guidelines set by the Clark County Regional Flood Control District (CCRFCDD) and Clark County specifications for design of drainage systems. If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). For floodplains, the project is located within the Las Vegas Valley disposal boundary and the CCRFCDD is responsible for flood control. Federal Emergency Management Agency (FEMA) standards are applicable.

6.6. If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling. Consult with ACOE to make sure you do not need a 404 permit. All holes should be drilled according to the Nevada Regulations for Water Well and Related Drilling, per NRS Statutes 534. All holes should be reclaimed according to NRS and NAC regulations and reclaimed immediately after drilling. If groundwater is intercepted, holes will need to be reclaimed appropriately. Additionally, applicant is responsible for obtaining any CWA permits from NDEP that may be necessary.

6.7. Fuels/Fire: Compliance with fire restrictions current at time of project implementation will mitigate any risks introduced by the proposed actions. Specific, noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer.



## **7.0 Migratory Birds**

- 7.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

## **8.0 Fish and Wildlife, Excluding Federally Listed Species**

- 8.1. Wildlife species in the general area include small mammals, rodents, birds and reptiles. As there will be no new surface disturbance associated with the proposed action and the site is bounded by paved roads and developed or disturbed parcels that no longer constitute suitable wildlife habitat, there will be no impact on wildlife.

## **9.0 Threatened, Endangered or Candidate Animal Species**

- 9.1. The above action has a no effect determination for the threatened desert tortoise (*Gopherus agassizii*). This project will have no effect on any other federally listed species or designated critical habitat. As the area immediately surrounding the project no longer constitutes suitable habitat capable of supporting desert tortoises, the opportunity for any desert tortoise to wander into the project site is unlikely. Hence, no impacts to desert tortoises are expected and no remuneration fees are required.

This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-14-107).



# TOWNSHIP 22 SOUTH RANGE 60 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

SUPPL Sec 28

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC
122157			
122158			
122159			
122160			
122161			
122162			
122163			
122164			
122165			
122166			
122167			
122168			
122169			
122170			
122171			
122172			
122173			
122174			
122175			
122176			
122177			
122178			
122179			
122180			
122181			
122182			
122183			
122184			
122185			
122186			
122187			
122188			
122189			
122190			
122191			
122192			
122193			
122194			
122195			
122196			
122197			
122198			
122199			
122200			
122201			
122202			
122203			
122204			
122205			
122206			
122207			
122208			
122209			
122210			
122211			
122212			
122213			
122214			
122215			
122216			
122217			
122218			
122219			
122220			
122221			
122222			
122223			
122224			
122225			
122226			
122227			
122228			
122229			
122230			
122231			
122232			
122233			
122234			
122235			
122236			
122237			
122238			
122239			
122240			
122241			
122242			
122243			
122244			
122245			
122246			
122247			
122248			
122249			
122250			
122251			
122252			
122253			
122254			
122255			
122256			
122257			
122258			
122259			
122260			
122261			
122262			
122263			
122264			
122265			
122266			
122267			
122268			
122269			
122270			
122271			
122272			
122273			
122274			
122275			
122276			
122277			
122278			
122279			
122280			
122281			
122282			
122283			
122284			
122285			
122286			
122287			
122288			
122289			
122290			
122291			
122292			
122293			
122294			
122295			
122296			
122297			
122298			
122299			
122300			
122301			
122302			
122303			
122304			
122305			
122306			
122307			
122308			
122309			
122310			
122311			
122312			
122313			
122314			
122315			
122316			
122317			
122318			
122319			
122320			
122321			
122322			
122323			
122324			
122325			
122326			
122327			
122328			
122329			
122330			
122331			
122332			
122333			
122334			
122335			
122336			
122337			
122338			
122339			
122340			
122341			
122342			
122343			
122344			
122345			
122346			
122347			
122348			
122349			
122350			
122351			
122352			
122353			
122354			
122355			
122356			
122357			
122358			
122359			
122360			
122361			
122362			
122363			
122364			
122365			
122366			
122367			
122368			
122369			
122370			
122371			
122372			
122373			
122374			
122375			
122376			
122377			
122378			
122379			
122380			
122381			
122382			
122383			
122384			
122385			
122386			
122387			
122388			
122389			
122390			
122391			
122392			
122393			
122394			
122395			
122396			
122397			
122398			
122399			
122400			
122401			
122402			
122403			
122404			
122405			
122406			
122407			
122408			
122409			
122410			
122411			
122412			
122413			
122414			
122415			
122416			
122417			
122418			
122419			
122420			
122421			
122422			
122423			
122424			
122425			
122426			
122427			
122428			
122429			
122430			
122431			
122432			
122433			
122434			
122435			
122436			
122437			
122438			
122439			
122440			
122441			
122442			
122443			
122444			
122445			
122446			
122447			
122448			
122449			
122450			
122451			
122452			
122453			
122454			
122455			
122456			
122457			
122458			
122459			
122460			
122461			
122462			
122463			
122464			
122465			
122466			
122467			
122468			
122469			
122470			
122471			
122472			
122473			
122474			
122475			
122476			
122477			
122478			
122479			
122480			
122481			
122482			
122483			
122484			
122485			
122486			
122487			
122488			
122489			
122490			
122491			
122492			
122493			
122494			
122495			
122496			
122497			
122498			
122499			
122500			
122501			
122502			
122503			
122504			
122505			
122506			
122507			
122508			
122509			
122510			
122511			
122512			
122513			
122514			
122515			
122516			
122517			
122518			
122519			
122520			
122521			
122522			
122523			
122524			
122525			
122526			
122527			
122528			
122529			
122530			
122531			
122532			
122533			
122534			
122535			
122536			
122537			
122538			
122539			
122540			
122541			
122542			
122543			
122544			
122545			
122546			
122547			
122548			
122549			
122550			
122551			
122552			
122553			
122554			
122555			
122556			
122557			
122558			
122559			
122560			
122561			
122562			
122563			
122564			
122565			
122566			
122567			
122568			
122569			
122570			
122571			
122572			
122573			